Attorney Docket No. Le A 32 701

#9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Burchardt, et al.

Application Serial No.: 09/701,313

Filed: 05/18/2001

Title: Monoclonal Antibody and Assay for Detecting PIIINP

CERTIFICATION OF MAILING UNDER 37 C.F.R. 1.8(a)

I hereby certify that this correspondence and any papers referred to as attached are being deposited, on the date shown below, with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to Box Sequence, Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: March 1, 2002

Beatriz Alviz

Box Sequence
Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Sir:

This replies to the Notification of Defective Response mailed on 01 February 2002. A copy of the Notification is enclosed.

Submitted herewith is a:

1. Substitute copy of the Sequence Listing for the nucleotide and/or amino acid sequence(s) in this application.

2. Please insert the substitute copy of the sequence listing into the specification.

3. The computer readable form and paper copy submitted herewith are the same, and introduce no new matter over what is disclosed in the application as originally filed (37 C.F.R. 1.821(g)).

Respectfully submitted,

Susan M. Pellegrino

Susan M. Pellegrino
Attorney for Applicant
Bayer Corporation
400 Morgan Lane
West Haven, CT 06516

Reg. No.: 48,972

Tel. No.: (203) 812-6450

Date: March 1, 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO
09/701,313	Elmar Reinhold Burchardt	LeA 32 701

INTERNATIONAL APPLICATION NO	
PCT/EP99/03392	
I.A. FILING DATE	PRIORITY DATE
05/17/1999	05/28/1998

Jeffrey M Greenman
Vice President Patents and Licensing
Bayer Corporation
400 Morgan Lane
West Haven, CT 06516

CONFIRMATION NO. 8752

371 FORMALITIES LETTER

OC000000007389824

Date Mailed: 02/01/2002

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Request for Immediate Examination

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
  - See attached Raw Sequence Listing Error Report
  - APPLICANT MUST PROVIDE:
    - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600

- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

-3/1/02

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended up to a maximum of six months. *

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

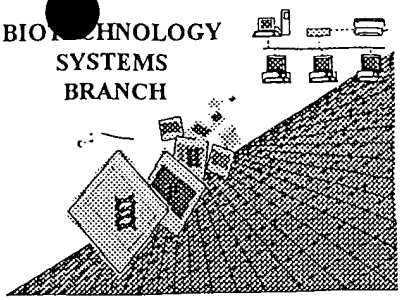
SHAKEEL AHMED

Telephone: (703) 305-3659

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO
09/701,313	PCT/EP99/03392	LeA 32 701

RAW SEQUENCE LISTING ERROR REPORT



The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/701,313

Source: PCT/09

Date Processed by STIC: 7/5/2001

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.
PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

1) **INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,**
2) **TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY**

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.
PATENTIN 2.1 e-mail help: patin21help@uspto.gov or phone 703-306-4119 (R. Wax)
PATENTIN 3.0 e-mail help: patin3help@uspto.gov or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 3.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW:

Checker Version 3.0

The Checker Version 3.0 application is a state-of-the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 – 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.
Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO). Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address:
http://www.uspto.gov/web/offices/pac/checker

PCT

RAW SEQUENCE LISTING
PATENT APPLICATION: US/09/701,313

DATE: 07/05/2001
TIME: 15:51:29

Input Set : A:\32701.app
Output Set: N:\CRF3\07032001\I701313.raw

Does Not Comply
Corrected Diskette Needed

3 <110> APPLICANT: Bayer AG
5 <120> TITLE OF INVENTION: Monoclonal antibody and assay for detecting PIIINP
7 <130> FILE REFERENCE: MoAb and assay for detecting PIIINP
9 <140> CURRENT APPLICATION NUMBER: US/09/701,313
10 <141> CURRENT FILING DATE: 2001-05-18
12 <160> NUMBER OF SEQ ID NOS: 13
14 <170> SOFTWARE: PatentIn Ver. 2.0

ERRORED SEQUENCES

189 <210> SEQ ID NO: 13
190 <211> LENGTH: 31 30 shown
191 <212> TYPE: DNA
192 <213> ORGANISM: 'Axial Seamount' polynoid polychaete
194 <400> SEQUENCE: 13
195 cgcgaagctt gggagaatag ttctgaggac 30

VERIFICATION SUMMARY
PATENT APPLICATION: US/09/701,313

DATE: 07/05/2001
TIME: 15:51:30

Input Set : A:\32701.app
Output Set: N:\CRF3\07032001\I701313.raw

L:9 M:270 C: Current Application Number differs, Replaced Current Application Number
L:10 M:271 C: Current Filing Date differs, Replaced Current Filing Date
L:195 M:252 E: No. of Seq. differs, <211>LENGTH:Input:31 Found:30 SEQ:13

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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Jeffrey M Greenman
Vice President Patents and Licensing
Bayer Corporation
400 Morgan Lane
West Haven, CT 06516

CONFIRMATION NO. 8752
371 FORMALITIES LETTER

OC000000007756206

Date Mailed: 04/03/2002

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Request for Immediate Examination

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Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

  - The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).

- APPLICANT MUST PROVIDE:
  - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
  - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
  - A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

  - The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHAKEEL AHMED

Telephone: (703) 305-3659

PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/701,313	PCT/EP99/03392	LeA 32 701

FORM PCT/DO/EO/916 (371 Formalities Notice)